

0004

Outgoing 00150015 ok

**From:** Mary Ann Wright  
**To:** John Gefferth  
**Date:** 2/22/2007 5:14:48 PM  
**Subject:** Emery IBC application- deficiencies reworded

John - attached is a revision of the email document that had the 2 deficiencies. We worked on these and amended them (OLD and NEW). Please let us know if this addresses your concerns, or not.

OGM's goal is to be able to address any on-the-ground subsidence issues and return the property/ land surface and/or irrigation system back to its pre-subsidence condition. Once that is done, the productivity of the land will return. However, the fee owner may opt for compensation, and thus establishing a base would be helpful to all concerned.

Please call Pam/Wayne, if needed tomorrow (Friday), or include me in your discussion, come Monday.  
Thanks, Mary Ann

**CC:** Joe Helfrich; Pam Grubaugh-Littig; Priscilla Burton; Sheila Morrison; Susan White;  
Wayne Hedberg

Task ID #2646

1st North Federal Lease Boundary Addition

Priscilla Burton [pwb]

Joe Helfrich [jch]

OLD: R645-302-314.400, For the purposes of providing baseline information, the application should provide a summary of the productivity and crops grown on the irrigated acres within the First North federal IBC. [pwb]

Consol's comment: Consol maintains that baseline information pertaining to the productivity and crops grown on private fee surface is not required under R645-302-314.400. Consol is not conducting 'coal mining and reclamation operations' on these specific lands as defined at R645-100-200.

NEW -: R645-301-525.550 Adjustment of bond amount for subsidence damage.  
The Division suggests that the application contain adequate information to establish a base for the value of the renewable resource lands that are fee owned and that may later be subject to repair or compensation to the fee owner due to subsidence under this rule.

OLD:R645-301-322, -301-333, -301-342, -301-358, The application needs to include the following information; [jch] A narrative and/or plan that describes how wildlife will be protected and enhanced as a result of the potential impacts from subsidence.

Consol's comment: Consol maintains that a wildlife enhancement plan on these private fee surface lands is not required under R645-301-322, and R645-301-333. Consol is not conducting 'coal mining and reclamation operations' on these specific lands as defined at R645-100-200.

NEW- : R645-301-332 The application should include a description of anticipated impacts of subsidence on renewable resource lands identified in R645-301-320 and describe mitigation of those anticipated impacts.

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